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APPLICATION N	Ю.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/726,543		12/04/2003	Urs-Peter Studer	32478-199165 RK	7940	
26694	7590	03/24/2006		EXAM	EXAMINER	
VENABLE LLP P.O. BOX 34385				NGUYEN,	NGUYEN, SANG H	
WASHINGTON, DC 20045-9998				ART UNIT	PAPER NUMBER	
				2877		
				DATE MAILED: 03/24/2006	DATE MAILED: 03/24/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
Office Action Occurrence	10/726,543	STUDER ET AL.	PW				
Office Action Summary	Examiner ·	Art Unit					
	Sang Nguyen	2877					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	TE OF THIS COMMUNICATION 6(a). In no event, however, may a reply be timil apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	l. lely filed the mailing date of this communication. (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on 04 De	ecember 2003.						
	action is non-final.						
3) Since this application is in condition for allowan		secution as to the merits is					
closed in accordance with the practice under E							
Disposition of Claims		·					
4)⊠ Claim(s) <u>1-11</u> is/are pending in the application.							
4a) Of the above claim(s) is/are withdraw	vn from consideration						
5) Claim(s) is/are allowed.	m nom concideration.						
6) Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.	_						
8) Claim(s) 1-11 are subject to restriction and/or e	election requirement						
o) 23 Glaim (a) 7-7- are subject to rectriction amore of			•				
Application Papers							
9) The specification is objected to by the Examiner.							
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correcti	on is required if the drawing(s) is ob	ected to. See 37 CFR 1.121(d)).				
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.					
Priority under 35 U.S.C. § 119		·					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a)	-(d) or (f).					
1. Certified copies of the priority documents	s have been received						
2. Certified copies of the priority documents		on No					
3. Copies of the certified copies of the prior							
application from the International Bureau	•	id iii tiiis ivational otage	•				
* See the attached detailed Office action for a list		, ,					
dee the attached detailed office action for a list	or the defined doples not receive	u.	•				
	•						
Attachment(s)	•						
1) Notice of References Cited (PTO-892)	4) Interview Summary	(PTO-413)					
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date Notice of Informal Patent Application (PTO-152)							
Paper No(s)/Mail Date							

DETAILED ACTION

Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention:

- a. The species I: claims related of figures 3-4;
- b The species II: claims of figures 5-6; and
- c. The species III: claims related of figure 7.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

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A telephone call was made to Mr. Robert Kimberg (Reg. No. 26,924) on March 10, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2800 ext. 77. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 10, 2006

SN

Patent Examiner Sang Nguyen Art Unit 2877

> Supervisory Patent Examiner Art Unit 2877 Technology Center 2800

> > Stepory J. Tobley, Jr. Supervisory Patent Examiner